

ATTACHMENT B 1 of AMENDED SSC

OPERATION and MAINTENANCE PLAN

July 31, 2009

Eureka Mills Superfund Site, Eureka, Utah

INTRODUCTION:

Amendment #1 of the Eureka Mills Superfund Site Superfund State Contract (SSC) incorporates by reference this Operation and Maintenance (O/M) Plan. This O/M Plan assigns the responsibilities for the performance of operation and maintenance (O/M) of the remedy at the Eureka Mills Superfund Site in accordance with the Operations and Maintenance Manual (O/M Manual) dated July 31, 2009. Figure A is a table summarizing O/M responsibilities for all the parties.

ROLES AND RESPONSIBILITIES:

The State

The State shall perform O/M at the following areas subject to the conditions in the Superfund State Contract (SSC), as amended: (1) residential areas; (2) Chief Mine No.1; (3) Eagle Blue Bell Mine, Transition and Dump; (4) Snow Flake Mine; (5) Open Cell; (6) Drainage Gulches/Haul Roads and Sedimentation Ponds excluding the Knightsville Drainage area; and (7) Secondary Water System and Well. The State has also agreed to provide O/M for the Knightsville sediment ponds which were constructed by Atlantic Richfield under terms of a Consent Decree with EPA. Figure B is a map showing areas of State O/M responsibility.

Spenst Hansen, Keystone Surveys Inc., Bullion Beck Mining Company, and Godiva Silver Mines Inc. (Spenst Hansen et al.)

Spenst Hansen et al. or his transferees (Spenst Hansen) pursuant to a settlement with EPA shall perform O/M at the following areas: (1) Gemini Mine, Bullion Beck Mine and Bullion Beck Mill; (2) Eureka Hill Waste Rock; (3) Chief Mill Site No. 1; (4) Chief No. 1 Mill Tailings/Chief Mill No. 1, (5) Chief Mine No. 2; and (6) May Day/Godiva Shaft/Tunnel Road. EPA shall take all reasonable enforcement efforts to compel Spenst Hansen et al. to perform O/M responsibilities. The State shall provide O/M in the event that Spenst Hansen is unable to fulfill O/M responsibilities. The State may use special account funds conveyed to it through a Cooperative Agreement for such activities. Figure C is a map showing areas of Spenst Hansen O/M responsibility.

The City of Eureka

The EPA and State anticipate that the City of Eureka shall assume responsibilities for O/M as described below:

(1) Administration and enforcement of an ordinance to govern future excavation activities in the City of Eureka. EPA and the State have been working with the City to develop and implement an ordinance to govern future excavation activities to ensure the protection of the remedy for the non-mine waste areas after the cleanup is completed.

(2) Day-to-day operation of the Open Cell and the management of the stockpiled material for excavation permits. The Open Cell will be operated for the proper disposal of contaminated soils that arise from excavation activities under a permit or from "Exempted Activities" (as defined in the Excavation Ordinance). The Open Cell is only for the disposal of lead contaminated soils from within the Eureka City limits.

As part of Remedial Action (RA), stockpiles of clean soil and clean roadbase material will be left by EPA for the City's use. The purpose of the stockpile materials is to provide clean materials for future development of the Open Lands areas that will not be cleaned up by EPA. The stockpiles will be located in an area approximately one mile east of Eureka on property that is owned by the City. It will be the City's responsibility to keep the gate locked to this area and to carefully manage the distribution of the stockpile materials since once they are depleted it will be the responsibility of property owners to provide their own clean topsoil or roadbase material. Once the stockpiles have been depleted, the City will need to require detailed information of clean material (and possibly chemical analysis pursuant to Appendix A of the Ordinance) that is brought into the City.

(3) Maintenance of the Eureka Gulch in Upper Eureka Gulch. The City has responsibility for the maintenance of Eureka Gulch flow channel as part of its responsibilities under the Federal Emergency Management Agency (FEMA) floodplain requirements. In addition, Eureka Gulch in the Upper Eureka Gulch area is protected by an Environmental Covenant (EC) that Union Pacific Railroad (UPRR) filed prior to transferring the land to the City. The EC for this portion of Eureka Gulch extends only to the top of channel bank and requires that EPA and the State approve any proposed changes to the channel. All of Lower Eureka Gulch extending west of the City Hall parking lot to the western site boundary is also protected by ECs filed by UPRR, Spent Hansen et al. and by Chief for their land parcels associated with the Gemini-Bullion Beck area. Figure D is a map showing areas of City of Eureka O/M responsibility and areas with private party O/M responsibility under ECs.

(4) Assume possession, but not O/M, of four land parcels acquired by EPA for the performance of the RA. Figure E is a map showing these parcels.

The State may use a portion of the Special Account Funds transferred to the State for the Eureka Mills Superfund Site to fund a portion of the City's administration of the Excavation Ordinance and the daily management of the Open Cell. The State anticipates entering an agreement with the City describing funding parameters for O/M activities performed by the City.

Juab County

The EPA and State understand that the Knightsville Road is a county road maintained by Juab County.

Other Parties

Owners of parcels in Upper Eureka Gulch will be responsible for maintaining their own property pursuant to any local ordinances governing residential or commercial properties in Eureka.

7/23/2009

The EPA

EPA shall enforce consent decrees. EPA shall ensure ECs are placed on properties acquired to implement the RA prior to property transfer in order for O/M to be performed.

MODIFICATIONS to ROLES and RESPONSIBILITIES:

This O/M Plan may be modified by written concurrence of both the State and EPA.

DRAFT

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